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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/520,854
Filing Date: January 11, 2005
Appellant(s): GERVAIS ET AL.

<u>Guy Eriksen</u>
<u>For Appellant</u>

EXAMINER'S ANSWER

This is in response to the appeal brief filed August 6, 2009 appealing from the

Office action mailed June 10, 2009.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,986,133	O'Brien	04/2001
2002/0152399	Smith	04/2002
6,665,752	Bernath	12/2003
6,031,830	Cowan	02/2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1.   <u>Claims 1 and 16</u> are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not contain subject matter describing the limitation of "comparing…a particular one compatibility parameter of said ALG file with both a compatibility feature of said bi-directional communication

device and a non-signature, non-code-error checking feature expected in received and

authentic ALG files."

Most notably, the specification states that after the compatibility feature of the

communication device is compared to the particular one compatibility parameter of the

ALG file, other parameters are checked for validity [See Fig. 3 of Specification; Items

312, 314, 316 - 340]. Additionally, the header size varies in its size and, therefore is not

a feature expected in received and authenticated files. Furthermore, the header size is

not compared to a non-signature, non-code-error checking feature expected in received

and authentic ALG files [See Pg. 11, lines 3-6]. Additionally, see section 1 above.

2.   Claim 32 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply

with the written description requirement. The claim(s) contains subject matter which

was not described in the specification in such a way as to reasonably convey to one

skilled in the relevant art that the inventor(s), at the time the application was filed, had

possession of the claimed invention. The specification does not contain subject matter

describing the limitation of "the particular one compatibility parameter is both capable of

being directly compared and indirectly compared to the compatibility feature of said bi-

directional communication device, wherein an indirect comparison involves the

particular one compatibility parameter being included in a sum, and wherein the sum is

cable of being directly compared to the compatibility feature of said bi-directional

communications device.

Most notably, the cited portions of the specification (Pg. 10, Lines 10-19 and Pg.

13, Lines 407) does not disclose of indirectly comparing the compatibility parameter to

the compatibility feature of the bi-directional device. Again, the specification discloses

of comparing the header and/or body file only once. See section 1 above.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

Claims 1, 2, 4, 12, 14, 16, 17, and 21 – 31 are rejected under 35 U.S.C. 103(a)

as being unpatentable over U.S. Patent 6,986,133 B2, invented by Michael D.

O'Brien et al. (hereinafter "O'Brien"), in view of U.S. Appl. 2002/0152399, filed by

Gregory J. Smith (hereinafter "Smith").

3.   Regarding <u>Claims 1, 4, 14, 16, and 27</u>, O'Brien discloses a system and method

of receiving, at a bi-directional communications device [Fig. 2; Col. 6, Lines 34-55;

agent fetches the upgrade file from the server], an application level gateway (ALG) file

[Fig. 1; Col. 4, Lines 22-25; bi-directional device can be another server or any other

interconnect system, also called a gateway];

comparing, at the bi-directional communications device, a particular one

compatibility parameter of said ALG file with a compatibility feature of said bi-directional

communications device [Col. 4 Lines 56-64 and Col. 5, Lines 25-34; upgrade policy

includes a digital signature that is compared by the upgrade agent to authenticate and

verify the upgrade file]; and

storing said ALG file at said bi-directional communications device in response to

a favorable comparison of said <u>particular one</u> compatibility parameter <u>of said ALG file</u>

[Col. 4 Lines 56-64 and Col. 5, Lines 25-34; upgrade policy includes a digital signature

that is compared by the upgrade agent to authenticate and verify the upgrade file prior to installation].

O'Brien does not specifically disclose that the particular one compatibility parameter of the file is also compared with a non-signature, non-code-error checking feature expected in received and authentic files.

Smith discloses of a method and system for providing protection from exploits to devices connected to a network by comparing the received file with a non-signature, non-code-error checking feature expected in received and authentic files [Para. 0065 and 0066; the size of the header or body of the file is examined to determine if they are longer then they should be]. It would have been obvious to one skilled in the art at the time of the invention to verify the header or body length of a particular message to ensure that there is no executable code within the overflow buffers allotted for portions or all of a header or body of a file [Para. 0026]. This allows the system to prevent improper access to data or unauthorized programs executed on the host computer [Para. 0026].

4.   Regarding Claims 2 and 17, O'Brien, in view of Smith, discloses all the limitations of Claims 1 and 16 above. O'Brien further discloses of rejecting the ALG file at the communications device in response to an unfavorable comparison of said particular one compatibility parameter [Col. 4 Lines 56-64 and Col. 5, Lines 25-34; upgrade policy includes a digital signature that is compared by the upgrade agent to authenticate and verify the upgrade file].

Appellant has failed to seasonably challenge the Examiner's assertions of well known subject matter in the previous Office action(s) pursuant to the requirements set forth under MPEP §2144.03. A "seasonable challenge" is an explicit demand for evidence set forth by Appellant in the next response. Accordingly, the claim limitations the Examiner considered as "well known" in the first Office action, i.e. cable modem is a bi-directional communication device, are now established as admitted prior art of record for the course of the prosecution. See In re Chevenard, 139 F.2d 71, 60 USPQ 239 (CCPA 1943).

5.   Regarding Claim 12, O'Brien, in view of Smith, discloses all the limitations of Claim 1 above. O'Brien further discloses that the system periodically polls a service provider to determine if at least one of a new and updated ALG file is available, then sends a request for an available ALG file and receives said requested ALG file from an access network [Col. 4, Lines 28-30, 56-59; agent polls the server for updates and, if an update is available, fetches and applies the update to the device].

6.   Regarding Claims 21 – 23, 26, 28, 29, O'Brien, in view of Smith, discloses all the limitations of Claims 1, 4, 16, and 27 above. O'Brien further discloses that at least one compatibility feature of said bi-directional communications device comprises an amount of available memory in said bi-directional communications device to store the ALG file [Fig. 2; Col. 7, Lines 15-21; upgrade agent in the firewall fetches all chunks of the upgrade file and rebuilds the file before the agent performs a security check; Col. 10, Line 33 - Col. 11, Line 59; the InMemCapacity parameter requires that the bi-directional

device has at least this amount of memory available to fetch all chucks of the upgrade
and to rebuild the file].

7.   Regarding <u>Claims 24, 25, 30, and 31</u>, O'Brien, in view of Smith, discloses all the
limitations of Claims 1 and 16 above. O'Brien further discloses that a value of the
particular one compatibility parameter of said ALG file is added to a value of another
particular one compatibility parameter of said ALG file as a sum that is compared to a
value of the compatibility feature of said bi-directional communications device [Col. 7,
Lines 15-18; the upgrade agent performs a comparison for each chunk of the upgrade
with the appropriate checksum to determine if the file is corrupt].

**Claims 11 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable
over O'Brien, in view of Smith, and further in view of U.S. Patent 6,665,752,
invented by Brett A. Bernath (hereinafter referenced as "Bernath").**

8.   Regarding <u>Claims 11 and 18</u>, O'Brien, in view of Smith, discloses all the
limitations of Claims 1 and 16 above. O'Brien discloses several types of bi-directional
devices that can implement the disclosed system and method [Fig. 1; Col. 4, Lines 23-
26; devices can be a monitor, printer, copier, cell phone, PDA, server, etc.]. Neither
O'Brien nor Smith, however, specifically disclose that the bi-directional communication
device is a cable modem.

Bernath discloses a system and method of updating a cable modem specification
through a network [Fig. 5A; Col. 10, Lines 10 – 47]. Bernath further discloses the cable
modem comprises of a processor, memory and connected to a network [Col. 2, Line 47
- Col. 3, Line 16].

It would have been obvious to one skilled in the art at the time of the invention to incorporate the teachings of Bernath to they system in O'Brien since a cable modem is capable of downloading files to itself and storing those files within its own memory. The motivation to do so is to allow additional computing devices to be upgraded using the upgrade agent.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Brien, in view of Smith, and further in view of U.S. Patent 6,031,830, invented by Paul A. Cowen (hereinafter referenced as "Cowen").

9.   Regarding Claim 13, O'Brien, in view of Smith, discloses all the limitations of Claim 1 as stated above. O'Brien or Smith, however, do not specifically disclose that the request to download the files occurs after a configuration file is identifying at least one new or updated ALG file is received and first compared by the device.

Cowan discloses a system and method of downloading new or updated files where the device receives a configuration file from said service provider, which identifies at least one new or updated ALG files, then the devices sends a request for those files, and receives the requested files from an access network (Figs. 7(a) – (h); Col. 10, Lines 27 – Col. 11, Line 54; terminal requests query to host/server, which in turn sends a package definition packet identifying the file; terminal then compares versions and if they are different, terminal transmits the file request packet and the host/server begins transmitting file data). It would be obvious to one skilled in the art at the time of the invention to verify that the files are new or updated before downloading them into the terminal. Not only will that save resources that would have been used if

the files are downloaded and then verified, but it also prevents the terminal from
accidentally deleting the prior version of the files prior to completing the download of the
new or updated files.

(10) Response to Argument

The Examiner will address the Applicant's arguments in the order presented
within the Appeal Brief.

I.   Whether Claims 1 and 16 satisfy 35 U.S.C. Sec. 112, First Paragraph

The Examiner acknowledges that the specification describes a header size field
and a body size field as being specific parameters, specifically Pg. 11, lines 4-5 and 13-
14 of the specification. There is also no dispute that specification discloses that the size
of the ALG file is checked to determine if the received ALG file fits in the non-volatile
memory of the communication device, specifically Fig. 3, items 310, 312. The fact that
the header size field and body size field can, collectively, be the ALG file size is also not
disputed. The Applicant's assertion that the limitation of a "particular one compatibility
parameter of said ALG file" may be considered to be the header size or body size of the
ALG file. However, this creates inconsistent with Applicant's arguments.

The Appellant cites a portion of the specification which states that the "*ALG
header size field* 216 *AND ALG body size field* 224 in the header 210 of the received
ALG file 200 are checked" (emphasis added by Applicant). The Appellant then asserts
that this passage "clearly discloses the separate use of either header size or body size,
as well as the joint use of both, in respective comparisons" [See Appeal Brief Pgs 15-

16]. How the cited passage discloses separate use of either header size or body size

for comparison purposes is not described. The Appellant states that the ALG file

comprises of an ALG body and an ALG header [See Appeal Brief Pg. 15 referencing

Pg. 10, lines 1-2 of the Specification]. The comparison steps described in the

specification merely states that the ALG size is determined from the header [Fig. 3, item

310; Pg. 13, lines 4-9]. Nothing within the specification describes the "separate use of

either header size or body size" as asserted by the Applicant. The ALG header and

ALG body sizes are used together as a single "compatibility parameter" compared with

a compatibility feature of the bi-directional device [See Fig. 3, item 310, 312; Pg. 13,

lines 4-9].

The Appellant uses this inaccurate assertion to state that "the header size or

body size of the ALG file...is compared with the available memory size" [See Appeal

Brief, Pg. 17]. Additionally, the same "compatibility parameter" is also compared to "a

feature of a received and authentic ALG file having a header or body size fields," which

is the non-signature, non-code-error checking feature expected in received an authentic

ALG files [See Appeal Brief, Pg. 17]. The specification does not disclose of a second

compatibility feature that is compared to the header or body size fields of the ALG file.

The specification is clear that the ALG file size is compared only once to a compatibility

feature of the bi-directional device [See Fig. 3, items 310, 312; Pg. 13, lines 4-9].

The Appellant asserts that there are two implementations where the header or

body size field is compared with a non-signature, non-code-error checking feature

expected in an authentic ALG file, yet cites no portions of the specification to support

these assertions [See Appeal Brief, Pg. 17-18]. The Appellant states a larger header or

body size may indicate the presence of a virus, yet the cited passage mentions nothing

regarding the size of the header or body size field indicating the presence of a virus

[See Appeal Brief, Pg. 18, citing Specification Pg. 10, lines 9-11, 16-18]. The cited

passage states that "many of these ALG header 210 components may be utilized as

ALG file validity fields 214…to determine whether an upgrade or new ALG file 200…has

been corrupted during file transfer" [See Pg. 10, lines 10-19]. There are several other

validity fields, most notably the header expected CRC and ALG body expected CRC,

that are used to determine if the transferred file as been corrupt [See Fig. 3, item 314,

316, 318, 320, 322, 324; Pg. 13, lines 10-25].

Furthermore, the specification does not state that the header or body size field is

compared with a particular value or a range of values. The Appellant asserts that this is

knowledge of those skilled in the art since this technology or invention is disclosed by

once of the references of record [See Appeal Brief, Pg. 18-19]. However, existence of a

particular technology does not imply that the Applicant's invention inherently describes

or uses an existing invention. The Applicant's position that the specification

contemplates the prohibiting of unwanted data from entering the LAN/WLAN [See

Appeal Brief, Pg. 20] does not correlate to the notion that the Applicant's invention

actually performs specific steps claimed.

The MPEP states, "[t]o establish inherency, the extrinsic evidence must make

clear that the missing descriptive matter is necessarily present in the thing described in

the reference, and that it would be so recognized by persons of ordinary skill. Inherency,

however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.'" In re Robertson, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) (citations omitted). [See MPEP 2163.07(a)].

Additionally, the Appellant incorrectly reads the specification as to describing the ALG file download process. That particular passage is from Pg. 9, lines 11-18 which describes the reason why network administrators implement ALG files. It does not describe the verification process of downloading those ALG files. The Applicant's position is further disputed since the specification does not disclose the use of header or body size fields to determine if the ALG corrupt yet clearly discloses the use of CRC fields to determine if the ALG file has become corrupt [Pg. 13, lines 10-25].

Furthermore, MPEP 2163.02 states that "to satisfy the written description requirement, an application must convey with reasonable clarity to those skilled in the art that, as of the filing date sought, he or she was in possession of the invention, and that the invention, in that context, is whatever is now claimed." The claimed limitation of "comparing a particular one compatibility parameter of said ALG file with both a compatibility feature of said bi-directional communications device and a non-signature, non-code-error checking feature expected in received and authentic ALG files" is not described within the specification.

II.   Whether Claim 32 satisfies 35 U.S.C. Sec. 112, First Paragraph

The Appellant makes nearly identical arguments as to Claims 1 and 16 above, in which the assertion that the ALG header comprises of both the header size and body

size fields and that these fields individually and collectively are compared to two

different compatibility features of the bi-directional device [See Appeal Brief, Pg. 24-25].

The Examiner maintains that the specification merely discloses that the ALG

header and body size is compared only once to a compatibility feature of the bi-

directional device [See Fig. 3]. A more detailed explanation has been presented above

in Section I.

III.   Whether Claims 1, 2, 4, 12, 14, 16, 17, and 21-31 are Unpatentable Under 35

U.S.C. §103(a) With Respect to U.S. Patent No. 6,986,133 to O'Brien et al., in View

of U.S. Patent Application No. 2002/0152399 to Smith

With regards to Claims 1 and 16, the Appellant asserts that the claims describe a

method for comparing "item 1" to both "item 2" and "item 3" [See Appeal Brief, Pg. 28-

29]. More specifically, the Appellant argues that a digital signature (O'Brien reference)

and a header or body size (Smith reference) do not correspond to a particular one

compatibility parameter ("item 1") that is compared to both a compatibility feature of said

bi-directional communications device ("item 2") and a non-signature, non-code-error

checking feature expected in received and authentic ALG files ("Item 3") [See Appeal

Brief, Pg. 30].

Foremost, the examiner points out that the pending claims must be "given the

broadest reasonable interpretation consistent with the specification" [In re Prater, 162

USPQ 541 (CCPA 1969)] and "consistent with the interpretation that those skilled in the

art would reach" [In re Cortright, 49 USPQ2d 1464 (Fed. Cir. 1999)]. The Applicant's

specification does not specifically disclose the comparing of "item 1" with both "item 2"

and "item 3" as narrowly as the Appellant asserts. The specification discloses multiple

elements that are each compared with different features [See Fig. 2, 3; Pg. 12-14].

However, each of these elements is a sub-part of a larger "compatibility parameter," for

the ALG file that is stored in the ALG header 210 [See Fig. 2]. Therefore, the term

"compatibility parameter" can be defined to include multiple elements which are all sub-

parts of one "compatibility parameter."

The Examiner reads the term "particular one compatibility parameter" of the ALG

files within the O'Brien reference as comprising a plurality of configuration parameters

for the payload data. More specifically, the "particular one compatibility parameter"

comprises more than just the size of the header and body of the ALG file and includes

the configuration protocols for the upgrade file. O'Brien discloses that a manifest file is

always part of the received payload which contains the digital signature for the payload

[See Col. 7, lines 10-31]. Additionally, the upgrade agent within communication device

that receives the upgrade verifies the payload manifest prior to unarchiving the payload

files to reproduce the original upgrade payload [Col. 8, lines 9-15]. O'Brien further

discloses of multiple configuration parameters that are within the upconfig.txt file that is

used by the upgrade agent to fetch upgrades from the upgrade server [Col. 9, lines 47-

60]. These parameters pertain to the agent application as a whole and per-component

pertaining to the agent component [Col. 9, lines 56-60]. Global configuration

parameters can comprise of a specific IP address and port number of a proxy server if a

proxy server is to be used during the upgrade process [Col. 10, lines 34-63]. Per-

component parameters can comprise of the name of the upgrade component, the

version of the upgrade component, and the server name or IP address of the server that

publishes the upgrades [Col. 12, lines 5-62].

Therefore, O'Brien discloses a comparison of a compatibility parameter through

one of the compatibility protocols defined in the upgrade process (the digital signature of

the payload) to a compatibility feature of the bi-directional communication device

(correct source of upgrade) [Col. 7, lines 22-27]. The various configuration parameters

described above can also be used to verify a second non-signature, non-code-error

checking feature expected in received and authentic ALG files. For example, the

condensed version of the data (digest) is used to verify that the data has not been

tampered with during transmission [Col. 18, line 46- Col. 19, line 16] or the IP address

and port of the proxy server can be compared [Col. 9, lines 33-63].

In the prior art rejection presented in the Final Office Action dated June 10, 2009,

the Examiner incorporated a secondary reference (Smith) to disclose that the size of the

header or body of a transmitted file can be examined to determine if the file has been

compromised [See FAOM dated June 10, 2009, pg. 10-11, citing Smith Para. 0065,

0066]. This was done to anticipate the dependent claim limitations of Claims 4, 23 and

27 further defining that particular one compatibility parameter comprises of a header

size of said ALG file and a body size of said ALG file.

Again, the pending claims must be "given the broadest reasonable interpretation

consistent with the specification" [In re Prater, 162 USPQ 541 (CCPA 1969)] and

"consistent with the interpretation that those skilled in the art would reach" [In re

Cortright, 49 USPQ2d 1464 (Fed. Cir. 1999)]. The Appellant further defines the term

"particular one compatibility parameter" as "comprises one of a header size of said ALG

file and a body size of said ALG file" [See Claims 4, 23, and 27]. The transitional term

"comprising" is inclusive or open-ended and does not exclude additional,

unrecitedelements or method steps. See, e.g., Mars Inc. v. H.J. Heinz Co., 377 F.3d

1369,

1376, 71 USPQ2d 1837, 1843 (Fed. Cir. 2004) [See MPEP 2111.03]. Therefore, the

non-signature, non-code-error checking feature expected in received and authentic ALG

files in independent Claims 1 and 16 are not limited to only the header and body size of

the ALG file. O'Brien alone is sufficient to disclose the limitations of Claims 1 and 16 as

described above.

The Examiner also maintains that the incorporation of Smith to the O'Brien

reference meets the limitations of Claims 1 and 16. As stated above, the term

"particular one compatibility parameter" of the ALG files within the O'Brien reference as

comprising a plurality of configuration parameters for the payload data including the

manifest file that contains the digital signature for the payload. The upgrade agent in

O'Brien is software code implemented on a computing device that fetches data and

performs various functions with this data, including comparing checksums, comparing of

digital signatures and verifying the payload itself [See Fig. 1; Col. 4, Line 50 – Col. 5,

Line 15; Col. 7, lines 10-31]. Smith discloses of a method and system for providing

protection from exploits to devices connected to a network by examining the size of the

header or body of the file to determine if they are longer than they should be [Para.

0065 and 0066]. Smith further discloses that this method and system is performed by a

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bi-directional device [See Fig. 5; item 500; a firewall]. Therefore, the upgrade agent can

implement the additional step of examining the size of the header or body of the data

file through the upgrade process. The header of body size of the data file is part of the

data file similar to a checksum or digital signature in that it is a feature expected in

authenticated data files.

Furthermore, the Appellant asserts that a digital signature relates to the file itself

and has nothing to do with a compatibility feature of the bi-directional communication

device [See Appeal Brief, Pg. 21]. Examiner disagrees because the digital signature of

the file verifies that the upgrade came from the correct server and is part of the

protocols used by the upgrade process [Col. 7, lines 22-34]. As further disclosed in

O'Brien, the digital signature is created by the server using a private key [Col. 18, line

46 – Col. 19, line 15]. Since the use of security is part of the global configuration

parameters used by the upgrade agent, the use of digital security is a compatibility

feature of the communication device in O'Brien [Col. 10, lines 38-50; Col. 11, lines 5-9].

With regards to Claims 24 and 30, the Appellant argues that the use of the

references is inconsistent since the Examiner is equating a plurality of different

elements to the same element that is recited in multiple claims [See Appeal Brief Pg.

32]. As stated above, the Examiner reads the term "particular one compatibility

parameter" of the ALG files within the O'Brien reference as comprising a plurality of

configuration parameters for the payload data. More specifically, the checksum is one

of several protocols used by O'Brien to verify the integrity of the data received [Col. 7,

lines 15-18]. The Examiner's interpretation of the limitations claimed is consistent with the interpretation presented with Claims 1 and 16 above.

IV.   Whether Claims 11 and 18 are Unpatentable Under 35 U.S.C. §103(a) With Respect to U.S. Patent No. 6,986,133 to O'Brien et al., in View of U.S. Patent Application No. 2002/0152399 to Smith, and Further in View of U.S. Patent No. 6,665,752 to Bernath

The Appellant relies on the arguments presented for Claims 1 and 16 in which Claims 11 and 18 depend upon [See Appeal Brief Pg. 36]. The Examiner maintains the arguments presented in Section III above.

V.   Whether Claim 13 is Unpatentable Under 35 U.S.C. §103(a) With Respect to U.S. Patent No. 6,986,133 to O'Brien et al., in View of U.S. Patent Application No. 2002/0152399 to Smith, and Further in View of U.S. Patent No. 6,031,830 to Cowan

The Appellant relies on the arguments presented for Claim 1 in which Claim 13 depends upon [See Appeal Brief Pg. 41]. The Examiner maintains the arguments presented in Section III above.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Tae K. Kim/

Tae K. Kim,

Examiner, Art Unit 2453

Conferees:

/Liangche A. Wang/

Primary Examiner, Art Unit 2453

/Joseph Thomas/

Supervisory Patent Examiner, Art Unit 2453